

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

**GENERAL PERMIT FOR THE DISCHARGE OF GRAYWATER OR A MIXTURE OF GRAYWATER AND BLACKWATER FROM LARGE COMMERCIAL PASSENGER VESSELS TO COASTAL WATERS**

Permit No. W008222-5Y-A-N

**Part 1. General permit coverage**

**A. Coverage.** This general permit authorizes the discharge of graywater or a mixture of graywater and blackwater from a large commercial passenger vessel (LCPV) to coastal waters of the State, pursuant to 38 MRSA 413 and 423-D, provided that the requirements of this permit and applicable provisions of Maine's waste discharge and water classification statutes and rules are met.

**1. Term.** This general permit is effective from January 1, 2006 to January 1, 2011 unless modified, reopened, revoked or suspended by the department.

**2. Area.** This general permit applies to discharges to the coastal waters of Maine, except as provided in Part 3(B).

**B. Authority.** A permit for the discharge of pollutants is required by 38 MRSA 413. A general permit for the discharge of graywater or a mixture of graywater and blackwater is provided for in 38 MRSA 423-D(4). General permits may be issued authorizing the discharge of certain pollutants pursuant to the 06-096 CMR 529. A violation of a condition of this general permit constitutes a violation of the State's water quality laws, and subjects the discharger to penalties under 38 MRSA 349. Nothing in this general permit is intended to limit the Department's authority under the waste discharge and water classification statutes or rules. This general permit does not affect requirements under other applicable Maine statutes or rules.

**Part 2. Specialized definitions**

In addition to the definitions found in the waste discharge and water classification laws (including 38 MRSA 423-D, Graywater and blackwater discharges from large commercial passenger vessels), and Chapters 520 and 532 of the Department's rules, the following terms have the following meanings when used in this general permit.

**A. Department.** "Department" means the Maine Department of Environmental Protection.

- B. Large commercial passenger vessel (LCPV).** "Large commercial passenger vessel", "LCPV", or "vessel" means a commercial passenger vessel that provides overnight accommodations for 250 or more passengers for hire, determined with reference to the number of lower berths.
- C. Owner or operator.** The owner, operator, master or other person in charge of a large commercial passenger vessel discharging graywater or a mixture of graywater and blackwater in the coastal waters of Maine.
- D. Notice of intent (NOI).** A "Notice of intent" or "NOI" means a notification of intent to seek coverage under this general permit by the owner or operator of a LCPV, to the Department on a form provided by the Department.
- E. Notice of termination ("NOT").** "Notice of termination" or "NOT" means a notification to end coverage under this general permit on a form provided by the Department.

### Part 3. Standards and prohibitions

- A. Standards.** The owner, operator, master or other person in charge of a LCPV that discharges graywater or a mixture of graywater and blackwater in the coastal waters of Maine shall meet the requirements and standards contained in or referenced by Chapter 532, Large Commercial Passenger Vessels. The text of Large Commercial Passenger Vessels, 06-096 CMR 532, is incorporated herein as if fully set forth, except as provided below.
- B. Prohibitions on discharge by area.** Discharges within certain areas are prohibited as provided below.
- 1. Class SA waters.** This general permit does not authorize discharges to Class SA waters. Class SA is the highest classification of estuarine and marine waters. This classification is applied to waters that are outstanding natural resources and that should be preserved because of their ecological, social, scenic, economic or recreational importance. There may be no direct discharge of pollutants to Class SA waters, except storm water discharges that are in compliance with state and local requirements.<sup>1</sup>
  - 2. No Discharge Area.** This general permit does not authorize discharges containing blackwater within no discharge areas. Discharges containing treated or untreated blackwater are prohibited within a No Discharge Area approved by the U.S. Environmental Protection Agency (EPA).<sup>2</sup>
- C. Prohibitions on discharge by type or effect.** Discharges may not affect the receiving water or its designated uses as provided below.

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<sup>1</sup> See 38 MRSA 465-B(1).

<sup>2</sup> See Clean Water Act, Section 312.

- 1. Impact on the receiving water.** Discharges to Class SB waters shall not cause an adverse impact to estuarine and marine waters in that the receiving waters shall be of sufficient quality to support all estuarine and marine species indigenous to the receiving water without detrimental changes in the resident biological community. There shall be no new discharge to Class SB waters which would cause closure of open shellfish areas by the Department of Marine Resources. 38 MRSA 465-B(2)(C). Discharges to SC waters may cause some changes to estuarine and marine life provided that the receiving waters are of sufficient quality to support all species of fish indigenous to the receiving waters and maintain the structure and function of the resident biological community. 38 MRSA 465-B(3)(C).
- 2. Causing receiving water to be unsuitable for designated uses.** A discharge may not impart color, taste, turbidity, radioactivity, settleable materials, floating substances or other properties that cause the receiving water to be unsuitable for the designated uses ascribed to its classification.
- 3. Receiving water not meeting classification standard.** A discharge may not be to a receiving water that is not meeting its classification standard if the discharge will cause or contribute to the failure of the receiving water to meet the classification standards.

#### **Part 4. Procedure**

- A. Chapter 532, Large Commercial Passenger Vessels.** The permittee shall comply with requirements related to the sewage and graywater discharge record book, sampling and reporting, required plans, and other procedures and submission requirements contained in Chapter 532.
- B. Certification of participation under a Quality Assurance/Quality Control Plan (QA/QCP).** Not less than 90 days prior to each LCPV's initial entry into the coastal waters of Maine during any calendar year, the owner or operator shall provide to the Department certification of participation under a Quality Assurance/Quality Control Plan (QA/QC) accepted by the Department for sampling and analysis of graywater or a mixture of graywater and blackwater for the current operating season.<sup>3</sup>
  - 1. QA/QC Certification.** The QA/QC certification shall be on a form provided by the Department. The owner or operator may either:
    - (a) Certify to participation in a plan approved by the Department for the current season and posted on its website or otherwise made available to the owner or operator; or
    - (b) Certify to participation in a plan that was submitted by the owner or operator to the Department for review at least 150 days prior to the LCPV's initial entry into the coastal waters of Maine during any calendar year and approved by the Department.

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<sup>3</sup> See 06-096 CMR 532(5)(A)(1).

- 2. Plan requirement.** The QA/QC plan must meet the criteria in Chapter 532(5)(B) as determined by the Department. In reviewing QA/QC submitted plans, the Department will consider whether the plan includes the following:

- (a) Sampling techniques and equipment, sampling preservation methods and holding times, and transportation protocols, including chain of custody;
- (b) Laboratory analytical information including methods used, calibration, detection limits, and the laboratory's internal QA/QC procedures;
- (c) Quality assurance audits used to determine the effectiveness of the QA program; and
- (d) Procedures and deliverables for data validation used to assess data precision and accuracy, the representative nature of the samples drawn, comparability, and completeness of measure parameters.<sup>4</sup>

**C. Notice of Intent (NOI).** A LCPV meeting the requirements of and desiring coverage under this general permit must complete a notice of intent (NOI) and submit it with the applicable permit fee to the Department.

- 1. When to submit NOI.** Not less than 30 days nor more than 120 days prior to the LCPV's initial entry into the coastal waters of Maine, the owner or operator shall provide a completed NOI with all required information and fees to the Department on a form provided by the Department.

The NOI incorporates a certification of conformance with standards. The certification of conformance with standards is required each year that a LCPV will enter Maine's coastal waters. In subsequent years following filing of the NOI form, and during the period of this general permit, a NOI form is not required to be filed, but a certification of conformance with standards, as described in Part 4(E) is required using a separate form.

- 2. NOI form.** NOI forms may be obtained from the Department's website or by contacting: Permitting Section, Division of Water Resource Regulation, Bureau of Land & Water Quality, Dept. of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017. Telephone: 207-287-3901. Fax: 207-287-7191.

An owner or operator with more than one LCPV operating in Maine coastal waters may submit a consolidated NOI that addresses both information common to all LCPVs and information specific to each individual LCPV.

- 3. Fees.** An annual fee is designated in the Department's annual fee schedule, and is subject to increase based upon the Consumer Price Index. The fee in 2006 is \$117.<sup>5</sup> A separate fee is required for each LCPV, without regard to whether a consolidated NOI is filed.

- (a) The annual fee for the first year of coverage under the general permit must be included with the NOI.

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<sup>4</sup> 06-096 CMR 532(5)(B).

<sup>5</sup> See 38 MRS 353-B, "General permit coverage", which specifies a general fee that is subject to increase based upon the Consumer Price Index.

- (b) In order to maintain coverage under the general permit for subsequent years, the annual fee must be submitted to the Department by January 1 of each subsequent year for the period of this general permit. An annual fee for a given year is not required for the subsequent year if a notice of termination (NOT) is filed prior to January 1.

**4. Information included in the NOI.** The notice to the Department shall include information necessary for the Department to evaluate the expected impact of the LCPV on existing water quality. A complete NOI must at a minimum contain the following information for each LCPV. The Department may require additional vessel-specific information necessary to determine whether the requirements of this general permit are met.

- (a) The legal name, address and telephone number of the owner.
- (b) The legal name, address and telephone number of the operator of the LCPV if different than the owner.
- (c) The name and location of an agent in Maine available for service of process.
- (d) A description of the number, type, and capacity of waste treatment systems that will be used to treat wastewater intended to be authorized for discharge under this general permit.
- (e) A description of the maximum anticipated volume of wastewater to be discharged through the wastewater treatment system(s).
- (f) A certification to the Department that the LCPV's graywater and mixture of graywater and blackwater meets the standards specified in Chapter 532(3), Effluent Standards.
- (g) List of anticipated ports of call in Maine as of submission of the NOI form.<sup>6</sup>
- (h) The signature of an authorized person in accordance with Chapter 521(5) of the Department's rules.

**D. Effective date of coverage.** If the Department does not notify the applicant within 14 days of the Department's receipt of the NOI, the NOI is deemed to be accepted by the Department and coverage is granted. In the event coverage is not granted, the Department shall notify the applicant of the reasons for not granting coverage.

**E. Certification of conformance with standards.** Not less than 30 days nor more than 120 days prior to the LCPV's initial entry into the coastal waters of Maine during any calendar year, provide a certification to the Department that the LCPV's graywater and mixture of graywater and blackwater discharge is permitted and meets the standards specified in Chapter 532(3), Effluent Standards.<sup>7</sup>

Prior to the LCPV's initial entry into the coastal water of Maine during the period of this general permit, the certification that Chapter 532(3) standards are met is incorporated into the NOI so that a separate submission is not required. In each subsequent year that the LCPV

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<sup>6</sup> The DEP will send a copy to the NOI to the municipalities with anticipated ports of call scheduled as of submission of the NOI, as evidence of the DEP's receipt of notification.

<sup>7</sup> See 06-096 CMR 532(5)(A)(2).

will enter Maine coastal waters, the owner or operator shall provide this certification on a form provided by the Department.

**F. Vessel Specific Sampling Plan (VSSP).** Within 30 days of each LCPV's initial entry into the coastal waters of Maine during each calendar year, provide to the Department a Vessel Specific Sampling Plan (VSSP) for review and acceptance, and undergo sampling and testing for conventional pollutants of all treated graywater or mixture of graywater and blackwater effluents as directed by the Department.

**1. Contents of plan.**<sup>8</sup> A vessel specific sampling plan must include the following.

- (a) The vessel name.
- (b) The passenger and crew capacity of the vessel.
- (c) The estimated average daily water use per individual of the vessel.  
The estimated total water use for the vessel per day  
The type, capacity, and location of each wastewater treatment system \*
- (d) The capacity and location of each holding tank for treated blackwater.\*
- (e) The capacity and location of each holding tank for graywater. \*
- (f) The capacity and location of each holding tank for combined treated sewage and graywater. \*
- (g) The location capacity, pump rate, and associated wastewater system(s) of each discharge port. \*
- (g) Location of discharge and sampling ports in detail sufficient for them to be located during an inspection.
- (j) A table documenting:
  - (i) The discharge type;
  - (ii) Whether the type of sample to be collected is grab or composite;
  - (iii) Parameters to be tested for each sample;
  - (iv) The location on the vessel where each sample is to be collected; and
  - (v) A narrative description of the time at which each sample is to be taken based upon the circumstances that will yield a sample most likely to be representative of the average discharge that passes through the location where the sample is taken.
- (k) A description of the standards the owner or operator will use to determine a deviation from the plan.

\* May be presented in table format.

**2. Period of the plan.** A sampling plan is valid for 12 months after the date of approval. The Department will approve the plan if the Department determines that the plan provides sufficient information to assure appropriate sampling from the specific LCPV.

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<sup>8</sup> This section was adapted from State of Alaska Rules, 18 AAC 69.030, Vessel specific sampling plan.

**3. Maintain copy on board.** The owner or operator shall maintain a copy of the valid, approved vessel specific sampling plan on board each vessel from which the owner or operator intends to cause or allow the discharge of graywater or a mixture of graywater and blackwater.

**G. Notice of Termination (NOT).** The permittee shall provide the Department with a "Notice of Termination" or "NOT" if the permittee intends to no longer discharge to Maine coastal waters within the term of this general permit.

**H. Duty to reapply.** If the permittee wishes to continue an activity regulated by this general permit after the expiration date of this general permit, the permittee must apply for and obtain authorization pursuant to a new permit.

If this general permit is not reissued or replaced prior to the expiration date of this general permit, it will be administratively continued and remain in force and effect until reissued or replaced, or a determination is made not to reissue the general permit. If an owner or operator was granted permit coverage prior to the expiration date for a specific LCPV, the LCPV will automatically remain covered by the continued permit until the earliest of (1) reissuance or replacement of this permit, at which time the owner or operator must comply with the conditions of the new permit to maintain authorization to discharge; or (2) the submittal of a NOT; or (3) a formal decision by the Department to not reissue the general permit.

## **Part 5. Standard conditions**

PL 2003, ch. 650(8)(2) provides that this general permit must be consistent with the requirements in rules adopted by Department regarding general permits for certain wastewater discharges, except that the rule provision that authorizes Department to require a person otherwise authorized under a general permit to apply for an individual permit does not apply. Chapter 529(3)(j), General Permits for Wastewater Discharges, provides in part that the conditions listed in Chapters 523(2) and 523(3) apply to discharges pursuant to any general permit.

The conditions listed in Chapter 529, 523(2) and 523(3) are incorporated herein as if fully set forth.

## **Part 6. Special conditions**

**A. Effluent quality.** The discharge to coastal waters must satisfy the minimum level of effluent quality specified by the secondary treatment standards as provided in Chapter 532.

**B. Test results.** Prior to any such discharge occurring, the owner, operator or master, or other person in charge of a LCPV shall demonstrate test results as provided in Chapter 532. The owner, operator, master or other person in charge of the LCPV shall also demonstrate continued compliance through periodic sampling as provided in the approved VSSP. Such

sampling and test results are considered environmental compliance records that must be made available upon request of the Department.

Samples must be processed by a laboratory certified by the State of Maine. Information concerning laboratories certified by the State of Maine is available on the Department's website.

### C. Reporting discharge

- 1. Discharge of blackwater.** The owner or operator of a LCPV that discharges blackwater within a no-discharge zone, or outside a no-discharge zone in a manner inconsistent with this general permit, shall immediately report that discharge to the Department. The owner or operator shall submit a written report concerning the discharge to the Department within 30 days of the discharge.
- 2. Discharge of graywater.** The owner or operator of a LCPV that discharges graywater in a manner inconsistent with this general permit shall immediately report that discharge to the Department. The owner or operator shall also submit a written report concerning the discharge to the Department within 30 days of the discharge.
- 3. Written report.** The written report required in subsections (1) and (2) must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.<sup>9</sup>
- 5. Other noncompliance.** The permittee shall report all instances of noncompliance not reported under (1), (2) or (3) of this section, at the time monitoring reports are submitted. The written submission shall contain the following information: a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance.<sup>10</sup>

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<sup>9</sup> NOTE: Ch. 523(2)(1)(6), refers to "twenty-four hour reporting" of noncompliance which may endanger health or the environment. This permit incorporates the timing of reporting requirements at 38 MRSA 423-D(3) concerning discharges of graywater inconsistent with the general permit. It incorporates the requirements from Ch. 523 that describe the content of the written report. It also includes a requirement that a discharge of blackwater inconsistent with the general permit be reported. Note that report of a discharge of graywater inconsistent with a general permit is required by 38 MRSA 423-D(3)(B).

<sup>10</sup> See Ch. 523(2)(1)(7).